

**ENTERED**

September 09, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
VS.	§	CIVIL ACTION NO. 7:08-CV-00063
	§	
1.66 ACRES OF LAND, MORE OR LESS,	§	
SITUATE IN STARR COUNTY, STATE	§	
OF TEXAS, <i>et al</i> ,	§	
	§	
Defendants.	§	

**ORDER ESTABLISHING JUST COMPENSATION, GRANTING POSSESSION,  
DISBURSING FUNDS ON DEPOSIT IN THE REGISTRY OF THE COURT FOR  
TRACTS RGV-RGC-1010 (ROE), RGV-RGC-1010 (FEE), RGV-RGC-1010E,  
RGV-RGC-1010E-1, AND RGV-RGC-4025, AND CLOSING CASE**

The Court now considers the Joint Motion for Order Establishing Just Compensation, Granting Possession, Disbursing Funds on Deposit in the Registry of the Court for Tracts RGV-RGC-1010 (ROE), RGV-RGC-1010 (FEE), RGV-RGC-1010E, RGV-RGC-1010E-1, and RGV-RGC-4025, and Closing Case (Dkt. No. 89) filed by the Plaintiff, United States of America ("United States"), and Defendants Natalia De La Cruz, Sylvia De La Cruz Gonzalez, Maria De La Cruz Rios, Maria De La Cruz (aka Maria De La Luz Fabela De La Cruz), Mario Alberto Cruz, Angela Maria Cruz, Baldemar De La Cruz, Jr., and Old Republic National Title Insurance Company. It is hereby **ORDERED AND ADJUDGED** that:

- a. The full and just compensation payable by the United States for the taking of Tracts RGV-RGC-1010 (ROE), RGV-RGC-1010 (fee), RGV-RGC-1010E, RGV-RGC-1010E-1, and RGV-RGC-4025 shall be the sum of twenty-four thousand seven hundred seventy-three and 34/100 dollars (\$24,773.34), plus any accrued interest, which sum is all inclusive and in full satisfaction of any claims of whatsoever nature by Defendants

against the United States for the institution and prosecution of the above-captioned action.

- b. Final judgment shall be and is hereby entered against the United States in the amount of twenty-four thousand seven hundred seventy-three and 34/100 dollars (\$24,773.34) for its taking of Tracts RGV-RGC-1010 (ROE), RGV-RGC-1010 (fee), RGV-RGC-1010E, RGV-RGC-1010E-1, and RGV-RGC-4025, along with any accrued interest earned thereon while on deposit in the Registry of the Court.
- c. The United States previously deposited twenty-four thousand seven hundred seventy-three and 34/100 dollars (\$24,773.34) into the Registry of the Court; title to Tracts RGV-RGC-1010 (ROE), RGV-RGC-1010 (fee), RGV-RGC-1010E, RGV-RGC-1010E-1, and RGV-RGC-4025 vested in the United States by operation of law.
- d. The United States shall be entitled to immediate possession of fee Tracts RGV-RGC-1010 (fee) and RGV-RGC-4025 and all persons in possession or control of the interests taken in these tracts are ordered to surrender possession of the same to the United States.
- e. The total sum of twenty-four thousand seven hundred seventy-three and 34/100 dollars (\$24,773.34) currently on deposit with the Registry of the Court, with accrued interest, shall be subject to all real estate taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable and deductible from this sum.
- f. The Clerk of Court shall, without further order of the Court, disburse the total sum of twenty-four thousand seven hundred seventy-three and 34/100 dollars (\$24,773.34),

which remains on deposit in the Court's Registry, along with any accrued interest earned thereon while on deposit, to be **DISBURSED** as follows:

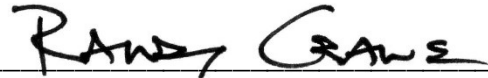
- i. \$5,844.44 shall be payable by check to Natalia De La Cruz, with accrued interest from the date of deposit (for her ownership interest in RGV-RGC-1010 (fee), RGV-RGC-1010 (ROE), RGV-RGC-1010E, RGV-RGC-1010E-1);
- ii. \$5,844.45 shall be payable by check to Sylvia De La Cruz Gonzalez, with accrued interest from the date of deposit (for her ownership interest in RGV-RGC-1010 (fee), RGV-RGC-1010 (ROE), RGV-RGC-1010E, RGV-RGC-1010E-1);
- iii. \$5,844.45 shall be payable by check to Maria Guadalupe De La Cruz Rios, with accrued interest from the date of deposit (for her ownership interest in RGV-RGC-1010 (fee), RGV-RGC-1010 (ROE), RGV-RGC-1010E, RGV-RGC-1010E-1);
- iv. \$1,140.00 shall be payable to Maria De La Cruz (a/k/a Maria De La Luz Fabela De La Cruz), with accrued interest from the date of deposit (for her ownership interest in RGV-RGC-1010 (ROE), RGV-RGC-1010E, and RGV-RGC-1010E-1);
- v. \$886.67 shall be payable to Mario Alberto Cruz, with accrued interest from the date of deposit (for his ownership interest in RGV-RGC-1010 (ROE), RGV-RGC-1010E, and RGV-RGC-1010E-1);
- vi. \$886.67 shall be payable to Angela Maria Cruz, with accrued interest from the date of deposit (for her ownership interest in RGV-RGC-1010 (ROE), RGV-RGC-1010E, and RGV-RGC-1010E-1);

- vii. \$886.66 shall be payable to Baldemar De La Cruz, Jr., with accrued interest from the date of deposit (for his ownership interest in RGV-RGC-1010 (ROE), RGV-RGC-1010E, and RGV-RGC-1010E-1);
- viii. \$3,440.00 shall be payable by check to Old Republic National Title Insurance Company, with accrued interest from the date of deposit (for its ownership interest in Tract RGV-RGC-4025).
- g. Defendants warrant (a) they were the owners of Tracts RGV-RGC-1010 (fee), RGV-RGC-1010 (ROE), RGV-RGC-1010E, RGV-RGC-1010E-1, and RGV-RGC-4025 (Dkt. No. 89, ¶¶ 9-13) taken in this proceeding on the date of taking; (b) they have the exclusive right to the compensation herein; excepting the interests of parties having liens, encumbrances of record, and unpaid taxes and assessments, if any; and (c) that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
- h. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for Tracts RGV-RGC-1010 (ROE), RGV-RGC-1010 (fee), RGV-RGC-1010E, RGV-RGC-1010E-1, and RGV-RGC-4025, Defendants shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by Defendants, to the date of repayment into the Registry of the Court.
- i. Defendants shall be responsible for their own legal fees, costs, and expenses, including attorney fees, consultant fees, and any other expenses or costs.

- j. There being no outstanding taxes or assessments due or owing, Defendants are responsible for the payment of any additional taxes or assessments which they otherwise owe on the interest in the property taken in this proceeding on the date of taking.
- k. Defendants shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulated judgment.
- l. Defendants shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interests in the properties taken in this proceeding on the date of taking.
- m. This Order is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendants.

It is hereby **ORDERED** that this case shall be **CLOSED** on the Court's docket.

SO ORDERED this 9th day of September, 2021, at McAllen, Texas.



Randy Crane  
United States District Judge

